

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

SANDRA CALHOUN,

Plaintiff,

**PLAINTIFF'S COMPLAINT**

v.

CITIBANK, N.A.,

Defendant.

SANDRA CALHOUN (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against CITIBANK, N.A. (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Georgia, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Augusta, Georgia and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national debt collection company with a business office in New York, NY.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

8. Plaintiff is informed, believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

9. In or around 2015, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect an alleged debt.

10. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 706-799-94XX.

11. Defendant places telephone calls from numbers including, but not limited to, 859-283-8071.

12. Per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

13. On or around August 11, 2015 at approximately 8:00 a.m., Plaintiff spoke to Defendant's representative and requested that Defendant cease placing calls to her cellular telephone.

14. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant.

15. Despite Plaintiff's request to cease, Defendant placed at least seventy-one (71) collection calls to Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

16. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B) and 47 U.S.C. § (b)(3)(C);

20. All court costs, witness fees and other fees incurred; and

21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: October 21, 2015

By: /s/ Shireen Hormozdi

Shireen Hormozdi

Georgia Bar No. 366987

Krohn & Moss, Ltd

10474 Santa Monica Blvd. Suite 405

Los Angeles, CA 90025

Tel: (323) 988-2400 x 267

Fax: (866) 861-1390

Email: shormozdi@consumerlawcenter.com